



Senate

General Assembly

January Session, 2015

File No. 276

Senate Bill No. 435

Senate, March 26, 2015

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT PROHIBITING NONDISPARAGEMENT CLAUSES IN PUBLIC EMPLOYEE SEPARATION AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
2 section, "public employee" means any person engaged in service to a
3 public employer in a business of such public employer, and "public
4 employer" means the state of Connecticut, its executive, legislative and
5 judicial branches, including, without limitation, any board,
6 department, commission, institution, or agency of such branches or
7 any appropriate unit thereof and any board of trustees of a state-
8 owned or supported college or university and branches thereof, public
9 and quasi-public state corporation, political subdivision or authority
10 established by state law.

11 (b) No public employer and public employee shall enter into an
12 agreement adopted for the purpose of providing for the termination,
13 suspension or separation from employment of such public employee
14 that is separate from any employment agreement that may have

15 existed between such public employer and public employee, that
16 contains any provision or clause prohibiting or restricting such public
17 employee from disclosing or discussing any aspect of such public
18 employee's employment, termination, suspension or separation or any
19 policies, actions or programs of such public employer, except such
20 public employer and public employee may enter into an agreement to
21 prohibit such public employee from disclosing records that are exempt
22 from required disclosure pursuant to section 1-210 of the general
23 statutes or any information contained in such records.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which disallows nondisparagement clauses in separation agreements for certain public employees, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 435*****AN ACT PROHIBITING NONDISPARAGEMENT CLAUSES IN PUBLIC EMPLOYEE SEPARATION AGREEMENTS.*****SUMMARY:**

This bill prohibits public employers and their employees from entering into termination, suspension, or separation agreements that prohibit or restrict the employees from disclosing or discussing (1) any aspect of their employment, termination, suspension, or separation or (2) any of their public employer's policies, actions, or programs. The prohibition does not apply to separate employment agreements between public employers and their employees that existed prior to the employee's termination, suspension, or separation. The bill also allows public employers and their employees to enter into agreements that prohibit an employee from disclosing records exempted from disclosure under the Freedom of Information Act (e.g., personnel or medical files).

"Public employers" under the bill include (1) all three branches of the state government, including any of their boards, departments, commissions, institutions, agencies or units; (2) any board of trustees of a state-owned or supported college or university and its branches; and (3) public and quasi-public state corporations, political subdivisions (e.g., municipalities), or authorities established by state law.

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 3 (03/12/2015)